

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00091-MR-WCM**

**ANGELA BURRELL, individually and)
as parent and next friend of G.C. and)
as parent and next friend of B.C.,)
et al.,)
Plaintiffs,)
vs.)
POLK COUNTY, et al.,)
Defendants.)**

ORDER

THIS MATTER is before the Court on the Motion to Dismiss Amended Complaint [Doc. 12] filed by Defendants Polk County, Polk County Department of Social Services, Joshua Kennedy, Kim Wilson, Robin Elliott, Melani Lainhart Splain, Lisa Condrey, Kelsey Reedy, Chloe Pearce, and Susan Green; the Motion to Dismiss Plaintiffs' Complaint [Doc. 22] filed by Defendant Phillip R. Feagan; and the Magistrate Judge's Memorandum and Recommendation [Doc. 31] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate

Judge, was designated to consider the above-referenced motions and to submit a recommendation for their disposition.

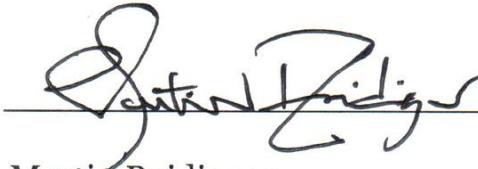
On March 3, 2025, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the pending motions. [Doc. 31]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation regarding the pending motions.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 31] is **ACCEPTED**; the Defendants' Motions to Dismiss [Docs. 12, 22] are **DENIED**; and the Plaintiffs are hereby **DIRECTED TO FILE** a Second Amended Complaint with fourteen (14) days of this Order.

IT IS SO ORDERED.

Signed: March 18, 2025



Martin Reidinger
Chief United States District Judge

